

SUPPORT FOR THE AMENDMENTS

Claims 1, 2, 4-24, and 39-41 were previously canceled.

Claims 3, 26, 29, 31, 33, and 48 have been amended.

Claim 49 has been added.

The amendment of Claims 3 is supported by Claims 3 and 26 as originally and previously pending. Additional support for the amendment to Claim 3 can be found in the specification as filed, at least, on pages 5-9 (for example, page 5, second paragraph, and page 7, second paragraph). The amendment of Claim 48 serves to correct a typographical error and to delete a superfluous phrase. The amendment of Claims 29, 31, and 33 are supported by the corresponding claims as previously presented. New Claim 49 is supported by previously presented Claim 29 and the corresponding disclosure in the specification.

No new matter has been added by the present amendment.

REMARKS

Claims 3, 25-38, and 42-49 are pending in the present application.

The objection to Claim 48 is obviated by amendment. Applicants have corrected the spelling of “anhydride”. Withdrawal of this ground of objection is requested.

The rejection of Claims 29, 31, 33, and 48 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Applicants have amended the claims herein to provide clarity and to address the Examiner’s specific criticisms.

Applicants request withdrawal of this ground of rejection.

The rejections of:

- (a) Claims 3, 27-31, 33, 34, and 36-38 under 35 U.S.C. §103(a) over Goossens et al. (1998) in view of Nakamura (US 6,291,763) and Middelman et al (WO 99/49483);
- (b) Claims 3, 29-34, 36, and 38 under 35 U.S.C. §103(a) over Goossens et al. (1998) in view of Saurer (US 5,482,570) and Tang (US 4,164,431) and Middelman et al (WO 99/49483);
- (c) Claim 25 under 35 U.S.C. §103(a) over Goossens et al. (1998) in view of Nakamura (US 6,291,763) and Middelman et al (WO 99/49483) and further in view of Yu et al;

- (d) Claim 25 under 35 U.S.C. §103(a) over Goossens et al. (1998) in view of Saurer (US 5,482,570) and Tang (US 4,164,431) and Middelman et al (WO 99/49483) and further in view of Yu et al;
  - (e) Claim 26 under 35 U.S.C. §103(a) over Goossens et al. (1998) in view of Nakamura (US 6,291,763) and Middelman et al (WO 99/49483) and further in view of Yamamoto et al;
  - (f) Claim 26 under 35 U.S.C. §103(a) over Goossens et al. (1998) in view of Saurer (US 5,482,570) and Tang (US 4,164,431) and Middelman et al (WO 99/49483) and further in view of Yamamoto et al;
  - (g) Claims 35 and 48 under 35 U.S.C. §103(a) over Goossens et al. (1998) in view of Nakamura (US 6,291,763) and Middelman et al (WO 99/49483) and further in view of Sakurai et al; and
  - (h) Claims 35 and 48 under 35 U.S.C. §103(a) over Goossens et al. (1998) in view of Saurer (US 5,482,570) and Tang (US 4,164,431) and Middelman et al (WO 99/49483) and further in view of Sakurai et al
- are obviated by amendment.

According to the Examiner, previously presented Claim 3 is obvious over Goossens et al in view of Nakamura and Middleman et al, as well as over Goossens et al in view of Saurer et al, Tang and Middeman et al.

The Examiner's logic is basically the same for each combination of references, however, looking at the first combination, the Examiner provides the following allegations: Goossens et al disclose a method for producing a hybrid organic solar cell having the structure "Substrate+EM/SOL/dye/EM" comprising vapor deposition of the SOL layer.

Goossens et al does not explicitly teach vapor deposition of a HTM or a dye layer.

Nakamura discloses numerous HTM which can be applied by, e.g., vapor deposition.

Middleman et al disclose the application of dye by e.g. vapor deposition.

Moreover, it would have been obvious to modify the method of Goossens et al by

replacing the redox-couple electrolyte with a solid HTM as taught by Nakamura.

Applicants disagree with these allegations and conclusions based thereon. However, even if it were possible that the disclosure of Goossens et al may be properly combined with Nakamura and Middleman et al in order to arrive at a method for producing a hybrid organic solar cell by vapor deposition of each of the SOL, HTM and dye layer, a co-evaporation of HTM and dye (amended Claim 3 herein) in order to increase the surfaces of the interfaces is not disclosed or suggested by any of Goossens et al in view of Nakamura and Middleman et al. Similarly, co-evaporation of HTM and dye (amended Claim 3 herein) in order to increase the surfaces of the interfaces is not disclosed or suggested by the combined disclosures of Goossens et al in view of Saurer et al, Tang and Middeman et al.

Yu et al, Yamamoto et al, and Sakurai et al fail to compensate for the aforementioned deficiencies. Thus, at no point do any of Goossens et al, Nakamura, Saurer et al, Middeman et al, Yu et al, Tang, Yamamoto et al, and Sakurai et al disclose or suggest co-evaporation of HTM and dye (amended Claim 3 herein) in order to increase the surfaces of the interfaces.

Thus, the subject-matter of the claimed invention is not obvious in view of Goossens et al in combination with any other of the cited secondary references. Withdrawal of these grounds of rejection is requested.

Applicants respectfully request that the provisional obviousness-type double patenting rejection over US 6,706,962 be held in abeyance until an indication of allowable subject

matter in the present application. Specifically, noting that the claims of the present application may still change thus obviating this ground of rejection, a Terminal Disclaimer at this time is premature. If necessary, a terminal disclaimer will be filed upon an determination of allowable claims. Until such a time, Applicants make no statement with respect to the propriety of this ground of rejection.

Finally, Applicants remind the Examiner that, should the elected species be found allowable, the Office should expand its search to the non-elected species.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Vincent K. Shier, Ph.D.  
Registration No. 50,552

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
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